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REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejected claims 1-3 and 9-15 under 35 U.S.C. § 103(a) as being unpatentable over JP 2000-060791. Furthermore, the Examiner rejected Claims 1-3, 8-12 and 14-15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,759,490 to Malchesky (hereinafter "Malchesky") in view of U.S. Patent No. 6,361,751 to Hight, III (hereinafter "Hight") and either U.S. Patent No. 4,739,729 to Monch (hereinafter "Monch") or U.S. Patent No. 4,798,292 to Hauze (hereinafter "Hauze"). Additionally, the Examiner rejected claims 1-3, 8-12 and 14-15 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,534,221 to Hillebrenner et al. (hereinafter "Hillebrenner") in view of Hight and either Monch or Hauze. Furthermore, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Malchesky and Hight, and further in view of U.S. Patent No. 3,633,758 to Morse et al. (hereinafter "Morse"). Lastly, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hillebrenner and Hight, and further in view of Morse.

In response, independent claims 1, 9, 10, 11 and 15 have been amended to clarify their distinguishing features. Specifically, claim 1 has been amended to recite an endoscope container for high-pressure steam sterilization of an endoscope having a flexible insertion member where the container includes:

a positioning member, formed in at least one of the tray and lid member, the positioning member being adapted to stow the insertion member of the endoscope during the high-pressure steam sterilization in a predetermined curved form, the curved form having at least a first bend radius corresponding to a distal portion of the insertion member and a second bend radius corresponding to a proximal portion of the insertion member,

wherein the positioning member is formed such that the first bend radius corresponding to the distal portion of the insertion member is larger than the second bend radius corresponding to the proximal portion of the insertion member and the first bend radius corresponds to the distal portion which is 70cm or more in length as measured from a distal end of the insertion member.

Claims 10, 11 and 15 have been similarly amended. Claim 9 has been amended to clarify the sheathing member. The sheathing member comprises a hard pipe portion and a flexible coil portion. The two portions allow for different bend radii. The amendment to claims 1, 9, 10, 11 and 15 are fully supported in the original disclosure. Thus, no new matter has been introduced into the original disclosure by way of the present amendment. The dependent claims have also been amended, where necessary, to be consistent with their amended base claims.

Thus, independent claims 1, 10, 11 and 15 have been amended to clarify that the positioning member is adapted to stow the insertion member in a predetermined curved form. Where the curved form has at least a first bend radius corresponding to a distal portion of the insertion member and a second bend radius corresponding to a proximal portion of the insertion member. The clarification to the claims further recites that the "positioning member is formed such that the first bend radius corresponding to the distal portion of the insertion member is larger than the second bend radius corresponding to the proximal portion of the insertion member" and that "the first bend radius corresponds to the distal portion which is 70cm or more in length as measured from a distal end of the insertion member." Independent Claim 9 also has been amended to clarify the structure and function of the sheathing member. The hard pipe portion holds the predetermined portion of the distal section in a predetermined curved form where the curved form has a first bend radius. The coil pipe portion holds the flexible tube where the flexible tube has a curved form, where the curved form has a second bend radius. The first bend radius is substantially larger than the second bend radius.

Applicant respectfully submits that such limitations clearly distinguish over the cited references. In particular, Malchesky, at Figures 5 and 7 clearly show the distal portion of the insertion member having a smaller (tighter curve) bend radius than the proximal portion of the insertion member (which is straight and has an infinite bend radius). Similarly, Hillebrenner, at Figures 18-20 show the proximal and distal portions of the insertion member being coiled with the same bend radius. Hight, at Figures 1A, 2A, 3A and 5A shows the entire insertion member being straight (both the proximal and distal portions of the insertion member have an infinite bend radius). Hight, at Figures 4A-4C and 8A show the proximal and distal portions of the insertion member being coiled with the same bend radius. Hight, at Figure 6A shows both the proximal and distal portions of the insertion member curved with a constant (i.e., same) bend radius. Morse, at Figure 1 shows the distal most portion of the insertion member to have a smaller (tighter curve) bend radius than the remaining (proximal) portions of the insertion member. Lastly, although JP-6-63007, in Figure 4, appears to show the distal portion of the insertion member being maintained in a straight position (which is a larger bend radius than the remaining (proximal) portions of the insertion member), however, the straight portion is very small in length (less than 70cm from the distal end of the insertion member).

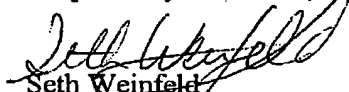
With regard to the rejections of claims 1-3 and 8-15 under 35 U.S.C. § 103(a), claims 1, 9-11 and 15 are not rendered obvious by the cited references because neither the JP 2000-060791 patent, the Hight patent, the Hillebrenner patent, the Malchesky patent, the Morse patent nor the Hauze patent whether taken alone or in combination, teach or suggest an endoscope container for high-pressure steam sterilization of claims 1, 10, 11 and 15 or an insertion member sheathing member for storage in a high-pressure sterilizing device of claim 9 having the features discussed above. Accordingly, claims 1, 9-11 and 15 patentably distinguish

over the prior art and are allowable. Claims 2, 3, 8 and 12-14, being dependent upon claim 1 are thus allowable therewith.

Furthermore, to clarify that the distal portion can be straight, new dependent claims 16-20 have been added reciting that the first bend radius is substantially infinite (i.e., straight). The new claims are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,


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